

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

AMERICANS FOR BENEFICIARY CHOICE,
et al.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 4:24-CV-439-O

COUNCIL FOR MEDICARE CHOICE, et al.,

Plaintiff,

v.

UNITED STATES DEPARTMENT OF
HEALTH AND HUMAN SERVICES, et al.,

Defendants.

Civil Action No. 4:24-CV-446-O

UNOPPOSED MOTION TO EXTEND REPLY DEADLINE

Defendants, in each of the above cases, move to extend, by one week, their current deadline of January 24, 2025 to file their reply brief in connection with the cross-motions for summary judgment that the parties have filed. The requested new deadline is January 31, 2025, and as good cause for the extension, defendants would respectfully show as follows:

This case concerns a Final Rule issued by the Centers for Medicare & Medicaid Services (CMS) in April 2024 to regulate the compensation that can be paid to agents and brokers in connection with enrollments in Medicare Advantage plans. The Court previously granted preliminary relief against the Final Rule by staying the effective date of relevant portions of it.

(See Memorandum Opinion and Order of July 3, 2024.) The Court thereafter entered a scheduling order with dates for the parties to brief out cross-motions for summary judgment on the validity of the challenged portions of the Final Rule, and defendants' reply brief is currently due on January 24, 2025.

As of January 20, 2025, there has been a change in Administration upon President Trump's inauguration, and with that change there is incoming new leadership at the various federal agencies (including, as relevant here, at the U.S. Department of Health and Human Services, of which CMS is a component). The new agency leadership has been informed about this case and has indicated that, given the timing of the current reply deadline in relation to the change in Administration, it would appreciate a short extension of the deadline to allow an opportunity to review the draft reply that has been prepared for submission to this Court. To facilitate this planned review, defendants respectfully request a one-week extension of their reply deadline, to a new deadline of January 31, 2025. Plaintiffs, per their counsel, are unopposed.

Respectfully submitted,

CHAD E. MEACHAM
ACTING UNITED STATES ATTORNEY

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney
Texas Bar No. 24060668
1100 Commerce Street, Third Floor
Dallas, Texas 75242-1699
Telephone: 214-659-8626
Facsimile: 214-659-8807
brian.stoltz@usdoj.gov

Attorneys for Defendants

Certificate of Conference

This is to certify that I have conferred with plaintiffs' counsel about the relief requested herein and it is unopposed.

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney

Certificate of Service

On January 23, 2025, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Brian W. Stoltz
Brian W. Stoltz
Assistant United States Attorney